

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-10 and 12-33 are pending in the application, with Claims 3, 15 and 18 amended and Claims 16-17 cancelled by the present amendment.

In the outstanding Office Action; Claims 3-10 and 12-33 were rejected under 35 U.S.C. § 112, second paragraph; Claims 3-10, 12-18, 20-28 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McHale, IV et. al. (US 2002/0038165 A1) (“McHale”) in view of Cavello (U.S. Patent No. 5,699,226) and Meyerson et. al. (U.S. Patent No. 6,215,475, hereinafter Meyerson); Claims 8 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the McHale/Cavello/Meyerson combination in further view of Yuter (U.S. Patent No. 4,800,438); Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the McHale/Cavello/Meyerson combination in further view of Duphorne (U.S. Patent No. 6,212,265) ; and Claim 29, as understood by the Examiner was rejected under 35 U.S.C. § 103(a) as being unpatentable over the McHale/Cavello/Meyerson combination in view of Kono (U.S. Patent No. 6,229,694 B1).

Claims 3, 15 and 18 are amended to more clearly describe and distinctly claim Applicants’ inventions. Support for these amendments is found in Applicants’ originally filed specification.¹ No new matter is added. In view of these amendments, Applicants submit the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

Briefly recapitulating, amended Claim 3 is directed to a service managing system, comprising a portable table top terminal configured to enable customers to view menus and to order desired dishes. The portable table top terminal is driven by a battery. The service managing system also includes a kitchen terminal configured to receive and indicate ordered

¹ Specification, page 16, line 8.

dishes from the portable table top terminal; an accounting unit configured to cast accounts in response to customers' requests input into the portable table top terminal by the customer, and to indicate calculated results; and a control unit configured to process data between the portable table top terminal, the kitchen terminal and the accounting unit. Data is transmitted and received using radio communications between the portable table top terminal, kitchen terminal, accounting unit and control unit. In addition, a terminal receptacle is provided on at a customer location and configured to receive the portable table top terminal thereon. The portable table top terminal is configured to read the identification number of the terminal receptacle when placed on the terminal receptacle, and a customer's order is processed on the basis of the identification number. The terminal receptacle includes a number reading part configured to enable the portable table top terminal to read an identification number of a table where the portable table top terminal is placed on the terminal receptacle.

The automated service system of Claim 3 allows for reduced manpower and improved quality of service to customers.² With the present invention, the table or counter top order terminals run on batteries, and are usable on any table or at any counter position. Further, with the terminal receptacle placed on a customer table or counter position, it is possible to identify a particular table or counter position where the ordering terminal is located and, thus, where an order is given.³ Thus, the ordering terminals (i.e., a portable table top terminal or a counter terminal) are not required to correspond to a predetermined table or counter locations on a one-to-one basis, so that they can be freely operated on any tables or counter position.

McHale teaches a computerized system and method for processing an order for food and/or drink without requiring a waiter or waitress to take the order is improved by incorporating an advertising scheme into the system whereby advertisements are selected by

² Specification, page 5, lines 10-13.

³ Specification, page 12, lines 8-12.

an establishment server having a customized data base.⁴ The system of McHale includes a patron station 102, where each patron station 102 serves as an interactive portal from which a patron (or several patrons) may directly place orders without waiter/waitress intervention. In McHale, preferably, each patron station 102 is located at a table in the establishment.⁵

However, as noted in the Official Action,⁶ McHale does not teach or suggest “a terminal receptacle provided on at a customer location and configured to receive a portable table top terminal thereon.” In addition, McHale does not disclose or suggest a terminal receptacle that includes “a number reading part configured to enable the portable table top terminal to read an identification number of a table where the portable table top terminal is placed.” McHale also does not disclose or suggest Applicants’ claimed portable table top terminal configured to read the identification number of the terminal receptacle when placed on the terminal receptacle, such that a customer’s order is processed on the basis of the identification number.

Cavello describes computer docking stations. Meyerson describes a bar code reader configured to read the bar code of an object. However, both Cavello and Meyerson fail to disclose or suggest any device configured to read an identification number of a terminal receptacle when placed on the terminal receptacle, such that a customer’s order is processed on the basis of the identification number, let alone Applicants’ claimed portable table top terminal.

Applicants have also considered the Duphorne, Yuter, and Kono references and submit these references do not cure the deficiencies of the McHale/Cavello/Meyerson combination. Because none of the cited references disclose or suggest all the elements of independent Claim 3, Applicants submit the inventions defined by Claim 3, and all claims

⁴ McHale, abstract

⁵ McHale, paragraph [0054].

⁶ Official Action, page 5, line 8.

depending therefrom, are not anticipated and are not rendered obvious by the cited references.⁷

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Michael E. Monaco
Registration No. 52,041

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
GJM/MEMO/kkn

I:\ATTY\MM\AMENDMENT\226488\195821.AM.DUE NOV.26..DOC

⁷ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."